

On April 20, 2001, Mary Lou and I spoke to Chuck Findley about four issues that John Valeri asked for his input on. Here are Chuck's positions:

Degree of EPA Endorsement of Corps ROD: Most of the WQ-related items in the ROD specify processes for developing concrete measures to implement. There is very little if anything in the ROD that actually commits to any particular actions that will mitigate the dams' effect on water quality. Furthermore, whatever the processes may be that are set up in the ROD, we can not know in advance the degree to which the Corps will actually engage in those processes productively. For that reason, all we can say about the ROD is that it sets out adequate processes to develop measures for implementation.

We ought to spell this out in a written document so that expectations are clear. We also ought to share a draft of that written document with the Corps so that they have advance notice of its contents, and so that they have the opportunity to discuss it with us. A scheduled May 9 meeting between Chuck and Col. Mogren would be a good opportunity to do that.

Coordination with Other Dam Operators: The TMDL process requires coordination among various sources, which in this case would include various dam operators. The watershed approach also militates for coordination among dam operators. We should not, however, just put the obligation on the Corps to coordinate with the other dam operators, of which there are several. EPA, along with the states involved in the TMDL development, should offer to facilitate discussion among the various dam operators. We should only ask that the Corps agree to participate in applicable coordination forums that we or the states initiate.

BPA and BOR RODs: BOR and BPA intend to prepare RODs in response to the BiOp, and are seeking to meet the same schedule as the one that the court imposed on the Corps (May 17). They are interested in EPA's input on the WQ aspects of their RODs as well. Mary Lou says that she can handle the review of the BOR and BPA RODs, and Chuck endorsed her performing that function.

Hiring Consultant to Support EPA Involvement in Development of WQ Measures: The Corps has consistently said that there are no viable options for mitigating the dams' adverse effects on water quality, particularly temperature, and have asked EPA to identify concrete actions that we believe they should take or at least consider. We have been unable to do that because we lack the necessary technical expertise concerning dam design, construction and operation. Chuck supports the idea of trying to find the money to hire a consultant to support our efforts in this area. The consultant would not be asked to develop measures, but to support our asking constructive questions about the development of measures, such as measures that have been considered previously but not necessarily ruled out.

One question that came up was whether this raised issues in connection with the budget rider pertaining to the new TMDL regulation. Chuck thought these efforts need not and should not be directed towards TMDL implementation, but rather towards water quality analyses or towards the general discussions with the Corps that have been ongoing for some time concerning mitigation of the adverse water quality effects of the dams.